

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

SIERRA PACIFIC POWER COMPANY,	)	3:04-CV-034-LRH (RAM)
a Nevada corporation,	)	
	)	<u>MINUTES OF THE COURT</u>
Plaintiff,	)	
	)	May 2, 2006
vs.	)	
	)	
THE HARTFORD STEAM BOILER	)	
INSPECTION AND INSURANCE	)	
COMPANY, a Connecticut corporation,	)	
AND ZURICH AMERICAN INSURANCE	)	
COMPANY, a New York corporation, as	)	
successor in interest to ZURICH	)	
INSURANCE COMPANY,	)	
	)	
Defendants.	)	
_____	)	

PRESENT: THE HONORABLE ROBERT A. McQUAID, JR., U.S. MAGISTRATE JUDGE

DEPUTY CLERK: GINA MUGNAINI REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

**MINUTE ORDER IN CHAMBERS:**

Plaintiff has filed a Motion to Compel (Doc. #66). Defendant Zurich American has opposed the Motion (Doc. #68).

In Plaintiff's Motion Plaintiff certifies that it conferred or attempted to confer in good faith with Defendant regarding the production of the disputed documents in accordance with the Federal Rules of Civil Procedure.

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The Opposition to the Motion includes the Declaration of David Bland, counsel for the Defendant, in which Mr. Bland states that counsel for Plaintiff did nothing but write a letter to Mr. Bland concerning the discovery dispute. The Bland Declaration includes the letter from Mr. Peterson to Mr. Bland dated April 10, 2006, and Mr. Bland's response by letter of April 18, 2006, wherein Mr. Bland points out the provisions of the Local Rule of this court that requires personal consultation and sincere effort to resolve discovery disputes prior to filing motions. In response Mr. Peterson cavalierly states that Mr. Bland is correct "but the Magistrates down here do not much stand on mere formalities." Unfortunately, Mr. Peterson is mistaken.

Plaintiff has failed to comply with LR 26-7(b) in that there has not been a personal consultation and sincere effort to resolve this discovery dispute prior to the filing of the motion.

Plaintiff's Motion to Compel (Doc. #66) is **DENIED** without prejudice. Plaintiff shall not refile this Motion nor file any other discovery motion in this case unless and until there has been a personal consultation and sincere effort to resolve the discovery dispute prior to the filing of the Motion.

**IT IS SO ORDERED.**

LANCE S. WILSON, CLERK

By: \_\_\_\_\_/s/\_\_\_\_\_  
Deputy Clerk